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20 UNITED STATES DISTRICT COURT

21 FOR THE CENTRAL DISTRICT OF CALIFORNIA

22 UNITED STATES OF AMERICA,

23 No. CR 24-621 (B) -MWF

24 Plaintiff,

25 GOVERNMENT'S OPPOSITION TO  
DEFENDANT DURK BANKS' MOTION TO  
DISMISS FOR VAGUENESS OR IN THE  
ALTERNATIVE FOR A BILL OF  
PARTICULARS

v.

26 DURK BANKS, et al.,

27 Defendants.

28 Plaintiff United States of America, by and through its counsel  
of record, the Acting United States Attorney for the Central District  
of California and Assistant United States Attorneys Ian V. Yanniello,  
Gregory W. Staples, and Daniel H. Weiner, hereby files its Opposition  
to Defendant Durk Banks' Motion to Dismiss for Vagueness or in the  
Alternative for a Bill of Particulars (Dkt. 227) in the  
above-captioned case. The Motion has been joined by defendants  
Deandre Dontrell Wilson, David Brian Lindsey, and Asa Houston.

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This Opposition is based upon the attached memorandum of points and authorities, the files and records in this case, and such further evidence and argument as the Court may permit.

Dated: October 27, 2025

Respectfully submitted,

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 The Second Superseding Indictment ("SSI") contains robust  
4 allegations about the motive for the murder, details about how the  
5 defendants stalked the murder victim's vehicle for hours leading up  
6 to the killing (including photographs), and details about each  
7 defendant's role in the murder plot. Defendants nonetheless move for  
8 dismissal of Counts One and Two due to purported vagueness, or in the  
9 alternative, seek an order directing a bill of particulars. As  
10 detailed below, the SSI sets forth the elements of the charged  
11 offenses, a point not challenged by defendants, and sufficient  
12 factual allegations to apprise defendants of the nature of the  
13 charges they face. The SSI is valid, and defendants offer no legal  
14 basis for its dismissal.

15 In addition, defendants' claim that they are entitled to know  
16 how the government will prove its case at trial is beyond the scope  
17 of a bill of particulars. Defendants are entitled to know the theory  
18 of the government's case, not the details of how it will prove its  
19 case at trial. The SSI and the government's discovery materials  
20 provide more than sufficient notice to defendants of the charges they  
21 face, and do not create any Double Jeopardy issues. The motion  
22 should be denied in full.

23 **II. STATEMENT OF FACTS**

24 **A. The Murder-for-Hire and Conspiracy to Commit Murder-for-  
25 Hire Charges**

26 The SSI charges defendant with, among other crimes, Conspiracy  
27 to Commit Murder-for-Hire Resulting in Death in Count 1, and a  
28 substantive count of Murder-for-Hire in Count 2, both in violation of

1 18 U.S.C. § 1958(a).

2 The SSI begins with detailed introductory allegations  
3 identifying defendant Banks and his co-conspirators, and the motive  
4 for the stalking and murder plot charged in this case. (Dkt. 147  
5 [SSI] at Introductory Allegations.) Specifically, the SSI alleges  
6 that defendant Banks is the leader of a Chicago-based organization  
7 called "Only the Family," or OTF. (Id. at ¶ 1.) The SSI alleges  
8 that in addition to producing hip hop music, OTF is comprised of  
9 individuals who engaged in violence, including murder and assault, at  
10 defendant Banks's direction. (Id.) In November 2020, Deyvon Bennett  
11 aka "King Von" --- a high-ranking OTF member and close friend of  
12 defendant --- was shot and killed following a physical altercation  
13 with T.B. at a nightclub in Atlanta, Georgia. (SSI at ¶ 3.) It was  
14 this murder that prompted defendant to offer a bounty for the murder  
15 of T.B., making clear, in coded language, that he would pay a bounty  
16 to anyone who took part in killing T.B. (Id.) These Introductory  
17 Allegations were incorporated by reference into the conspiracy charge  
18 in Count 1. (Id. at Count 1.)

19 **B. The SSI Explicitly Lists the Elements of the Charged  
20 Offenses and Provides Ample Details of the Murder Plot,  
Including Facts About Each Defendant's Role**

21 Count 1 explicitly sets forth the object of the charged  
22 conspiracy as the use of facilities of interstate commerce --- namely  
23 commercial airlines to fly to California from Chicago and Florida,  
24 rented and stolen cars, cell phones, and the internet --- with intent  
25 to murder T.B. in exchange for a promise and agreement to pay money  
26 or lucrative music opportunities with defendant's record label, OTF.  
27 (Id. at Count 1, ¶ A.) Count 1 then describes how the conspiracy was  
28 accomplished, plainly stating that defendant Banks told multiple co-

1 conspirators that he would pay a bounty or monetary reward to anyone  
2 who took part in the killing of T.B. (Id. at Count One, Overt Act  
3 1.) The section setting forth the manner and means of the conspiracy  
4 further alleges that co-conspirators, including defendants Banks and  
5 Wilson, would recruit others including defendants Jones, Lindsey, and  
6 Houston, and Co-Conspirator 2, to find, track, and kill T.B. Count 1  
7 goes on to list 27 overt acts naming specific acts committed by the  
8 co-conspirators.

9 Specifically, on August 18, 2022, defendant Banks and his  
10 co-conspirators learned that T.B. was in Los Angeles. (Id. at Overt  
11 Act 2.) In response, defendant Banks allegedly orchestrated and  
12 financed his co-conspirators' travel to Los Angeles to kill T.B., id.  
13 at Overt Acts 3-7, including by recruiting others to join in the  
14 scheme, id. at ¶ B.2. Indeed, around the time that a Chicago-based  
15 co-conspirator booked flights for five of the hitmen to travel from  
16 Chicago to California for the murder, defendant Banks attempted to  
17 conceal his involvement by telling the co-conspirator, "Don't book no  
18 flights under no names involved wit me." (Id. at Overt Act 6.)

19 As those five co-conspirators traveled to Los Angeles,  
20 defendants Banks and Grant traveled on a private jet to the Los  
21 Angeles area. (Id. at Overt Act 3.) The SSI then alleges that, at  
22 defendant Banks's direction, a co-conspirator obtained the cars, ski  
23 masks, and firearms that the killers used to stalk and attempt to  
24 kill T.B. (Id. at ¶ B.3.)

25 After arriving in Los Angeles, six of the co-conspirators used  
26 two cars to track, stalk, and kill T.B., as T.B. drove around Los  
27 Angeles with his entourage, including S.R. (Id. at Overt Acts  
28 15-22). After hours of stalking T.B. and his companions, three of

1 the co-conspirators cornered T.B. at a crowded gas station on the  
2 afternoon of August 19. (Id. at Overt Act 23). There, the  
3 co-conspirators ambushed T.B.'s vehicle and fired multiple rounds  
4 towards T.B.'s car, striking and killing S.R. (Id.) Later that  
5 afternoon, five of the co-conspirators --- including defendants  
6 Wilson, Houston, and Lindsey --- flew back to Chicago. (Id. at Overt  
7 Act 27.)

8 Like Count One, Count Two (the substantive murder-for-hire  
9 charge) plainly sets forth the elements of the crime: that the  
10 defendants "each aiding and abetting the other, knowingly used  
11 facilities of interstate and foreign commerce, namely, airplanes,  
12 cars, cell phones, and the internet with intent that the murder of  
13 T.B. be committed . . . as consideration for the receipt of, and  
14 consideration for a promise and agreement to pay, anything of  
15 pecuniary value, namely, money and lucrative music opportunities with  
16 OTF, resulting in the death of S.R." (Id. at Count 2.)

17 **C. The Government Has Produced Substantial Discovery  
18 Underlying These Allegations**

19 To date, the government has provided substantial discovery to  
20 defendants, consisting of, among other things: approximately 37,000  
21 pages of reports and records (including over 250 of pages of Jencks  
22 materials from multiple cooperating witnesses), 310 GB of audio and  
23 video recordings, and materials from extractions of over 30 digital  
24 devices and accounts, including social media. With each production,  
25 the government also provided a detailed index listing the discovery  
26 being produced.

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28 //

1 **III. ARGUMENT**

2 **A. The SSI Sets Forth the Elements of the Offenses and  
3 Provides More Than Adequate Notice of the Nature of the  
Offenses Charged**

4 Defendants' request to dismiss Counts One and Two for alleged  
5 vagueness is not supported in fact or law. The Court should deny his  
6 request.

7 **1. Legal Standard**

8 An indictment must contain a "plain, concise, and definite  
9 written statement of the essential facts constituting the offense  
10 charged." Fed. R. Crim. P. 7(c)(1). It must provide enough  
11 information so the defendant can understand the charges, prepare a  
12 defense, and claim double jeopardy where appropriate. See United  
13 States v. Resendiz-Ponce, 549 U.S. 102, 108 (2007). An indictment  
14 achieves this by "setting forth each element of the crime that it  
15 charges." Id. at 107 (cleaned up); United States v. Hinton, 222 F.3d  
16 664, 672 (9th Cir. 2000) (a legally sufficient indictment "state[s]  
17 the elements of the offense charged with sufficient clarity to  
18 apprise a defendant of the charge").

19 An indictment, however, need not describe the government's  
20 evidence, plead evidentiary detail, or identify all of the facts  
21 supporting the allegations. See Wong Tai v. United States, 273 U.S.  
22 77, 82 (1927). This is because "the Federal Rules were designed to  
23 eliminate technicalities in criminal pleadings and are to be  
24 construed to secure simplicity in procedure." Resendiz-Ponce, 549  
25 U.S. at 110 (cleaned up). Therefore, an indictment may track the  
26 statutory language, or adopt other language, as long as the  
27 indictment sets forth the essential elements of the charged offense.  
28 See United States v. Rodriguez, 360 F.3d 949, 958-59 (9th Cir. 2004).

1                   2. The SSI is Plainly Valid on its Face

2                   The Motion fails to cite any recognized legal basis to dismiss  
3 the SSI as invalid. This is unsurprising, as the SSI plainly sets  
4 forth what is required under the rules and caselaw. Indeed,  
5 defendants do not (and cannot) argue that the SSI is missing any  
6 elements of the offenses of Conspiracy to Commit Murder-for-Hire  
7 Resulting in Death (Count 1) or the substantive charge of Murder-for-  
8 Hire Resulting in Death (Count 2).

9                   As charged in this case, the substantive murder-for-hire count  
10 requires the government to prove: (i) defendant used or caused  
11 another to use a facility in interstate commerce; (ii) "with intent  
12 that a murder be committed"; and (iii) "as consideration for the  
13 receipt of, or as consideration for a promise or agreement to  
14 pay, anything of pecuniary value." 18 U.S.C. § 1958(a); see Ninth  
15 Circuit Model Criminal Jury Instruction 16.7. The SSI tracks those  
16 precise elements. Moreover, the SSI provides ample, further detail  
17 of which facilities of interstate commerce the co-conspirators used,  
18 and what specific promise was made: defendant Banks' promise of a  
19 monetary reward or lucrative music opportunities with his rap label.  
20 Contrary to defendant's contention, the statute plainly does not  
21 require an allegation as to the precise language a defendant used in  
22 making his promise or directing his co-conspirators to take certain  
23 actions.<sup>1</sup> See, e.g., United States v. Morlan, 756 F.2d 1442, 1445  
24 (9th Cir. 1985) (bank robbery statute requiring that "any person" be  
25 assaulted does not require grand jury allegation as to "which teller

27                   28                   <sup>1</sup> As discussed below, defendant Banks has received robust  
discovery in this case, including discovery about the bounty at  
issue.

1 and which employees were assaulted").

2 Likewise, although the conspiracy count is not required to  
3 "state the object of the conspiracy with the detail that would be  
4 required in an indictment for committing the substantive offense,"  
5 the detailed object, manner and means, and 27 overt acts provide  
6 defendants with more than adequate notice of the charges against  
7 them. See, e.g., United States v. Ayers, 924 F.2d 1468, 1484 (9th  
8 Cir. 1991) (rejecting vagueness challenge where conspiracy count  
9 specified five separate means and methods and fifteen overt acts).  
10 Accordingly, Counts One and Two provide more than adequate notice to  
11 defendant of the charges against him.

12 Defendant's contention that the SSI "gives no specifics about  
13 Mr. Banks' conduct that amounts to 1) a bounty offer, and 2)  
14 directions in furtherance of the murder" (Mot. at 12), is factually  
15 inaccurate and, in any event, not legally required.

16 As to the law, the SSI is not required to outline the  
17 government's "theories or evidence upon which the government will  
18 rely to prove those facts." United States v. Mancuso, 718 F.3d 780,  
19 790 (9th Cir. 2013). Indeed, a motion to dismiss "cannot be used as  
20 a device for a summary trial of the evidence." United States v.  
21 Boren, 278 F.3d 911, 914 (9th Cir. 2002). But notwithstanding the  
22 bare minimum required to satisfy Rule 7, the SSI provides a factually  
23 detailed basis of the government's theory that, following the murder  
24 of Bennett, defendant Banks used coded language to tell, among  
25 others, defendant Wilson and additional co-conspirators identified in  
26 discovery, that he would pay a bounty to anyone who took part in the

1 killing of T.B. There is nothing vague about these allegations.<sup>2</sup>

2 Every case cited by defendant in support of is argument is  
3 easily distinguishable, as they are cases where courts found  
4 indictments to be invalid because they did not include all the  
5 elements the charged crimes or they lack factual allegations in  
6 support of the elements of the offenses. For example, in United  
7 States v. Russell, 82 S. Ct. 1038 (1962), the Supreme Court reversed  
8 a conviction for refusing to answer questions before Congress because  
9 the indictment did not identify the subject of the Congressional  
10 inquiry. The failure of the indictment to identify the subject of  
11 the inquiry rendered it invalid, because "there can be criminality  
12 under the statute only if the question which the witness refused to  
13 answer pertained to a subject under investigation by the  
14 congressional body which summoned him." Id. at 1042. Here, the SSI  
15 includes the elements of the offenses, the date and place of the  
16 murder, the motive, the participants, and the actions they took  
17 leading up to, and including, the murder. There is no missing  
18 factual allegation that precludes the finding of criminality as in  
19 Russell.

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20

21 <sup>2</sup> As to the facts, defendant's assertions are belied by the  
22 SSI's plain text. First, the SSI unambiguously states in multiple  
23 places that defendant Banks, using coded language, offered a bounty  
24 or monetary reward to anyone who took part in the killing of T.B.  
25 (SSI at Introductory Allegations ¶ 3; Count 1 at ¶¶ A, B.1, Overt Act  
1; Count Two). Second, the SSI unambiguously details how defendant  
26 Banks is alleged to have "directed" the murder plot. The grand jury  
27 alleged, among other things, that: at defendant's direction, his  
28 co-conspirators traveled from Chicago to Los Angeles to murder T.B.  
(SSI at Introductory Allegation ¶ 4; Count One, ¶ B.2); at  
defendant's direction, his co-conspirators used two cars to track,  
stalk, and attempt to kill T.B. (id. at ¶ 5); and at defendant's  
direction, a co-conspirator obtained the cars, ski masks, and  
firearms that the killers used to stalk and attempt to kill T.B. (id.  
at Count One, ¶ B.3.)

1       In United States v. Cecil, 608 F.2d 1294 (9th Cir. 1979), the  
2 court reversed convictions for conspiracy to import and distribute  
3 marijuana. The court noted that while the indictment tracked the  
4 language of the statute, it contained only "two specific allegations  
5 concerning the conspiracies," that the conspiracies occurred in  
6 Arizona and Mexico and included the names of some of the  
7 co-conspirators. Id. at 1296-97. Unlike the SSI at issue here, the  
8 indictment in Cecil contained no overt acts and alleged a time period  
9 for the offenses that was "open-ended in both directions." Id. at  
10 1297. Here, to the contrary, the SSI alleges 27 overt acts setting  
11 forth specific acts in furtherance of the conspiracy on specific  
12 dates, in addition to the date of the murder, which marks the end of  
13 the conspiracy. This case plainly does not suffer from the absence  
14 of sufficient factual allegations to inform defendant of the charges  
15 and allow him to prepare for trial as was the case in Cecil.<sup>3</sup>

16       What the cases cited by defendant have in common is charges that

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17       <sup>3</sup> The other cases cited by defendant are similarly inapposite:  
18 United States v. Pickett, 209 F.Supp.2d 84 (D.C.C. 2002) (Count 2 of  
19 indictment dismissed because it failed to state any factual  
20 allegations and did not incorporate by reference the factual  
21 allegations set forth in Count 1); United States v. Nance, 533 F.2d  
22 699 (D.C.C. 1976) (counts did not set forth factual allegations  
23 describing underlying false pretenses and failed to incorporate by  
24 reference the factual allegations of Count 1, which was found to be a  
25 "proper charge"); United States v. Curtis, 506 F.2d 985 (10th Cir.  
26 1974) (mail fraud indictment dismissed that merely pled statutory  
27 language and did not describe the scheme to defraud or the false  
28 pretenses or promises); United States v. Apex Distributing Co., 148  
F. Supp. 365 (D.R.I. 1957) (counts of indictment dismissed that failed  
to allege any facts or particulars of the crimes alleged and failed  
to incorporate by reference the factual allegations in preceding  
counts); and United States v. Murphy, 762 F.2d 1151 (1st Cir.  
1985) (indictment for threatening witness to influence testimony in  
official proceeding invalid for failing to identify the official  
proceeding).

1 were invalid because they omitted an element of the offense, or did  
2 not include sufficient factual allegations to inform the defendant of  
3 the charges or prepare for trial. As set forth above, that is not  
4 the case here, where the SSI names with particularity the date and  
5 place of the murder, the participants and motive, and 27 overt acts  
6 describing the actions leading up to the murder as well as the murder  
7 itself.<sup>4</sup>

8       **B. A Bill of Particulars Is Not Warranted Because the  
9        Indictment and Discovery in This Case Are Sufficient to  
10       Allow Defendants to Prepare Their Defense, Avoid Surprise  
11       at Trial, and Avoid Double Jeopardy**

12       On their face, defendants' requests for evidentiary details  
13 underlying the SSI's allegations are an improper use of a bill of  
14 particulars. Specifically, defendant Banks requests the following  
15 information:

16       1. "The language that Mr. Banks allegedly used to convey his  
17                   offer of a pecuniary bounty in exchange for the murder of

18       <sup>4</sup> Defendant's claim that he could face double jeopardy unless he  
19 receives the evidentiary details he seeks is meritless. The test for  
20 Double Jeopardy is whether the defendant is subject to a successive  
21 prosecution for the same offense, not the same theory of prosecution.  
22 Wilson v. Belleque, 554 F.3d 816, 828 (9th Cir. 2009). The test for  
23 whether a subsequent prosecution involves a different offense is  
24 whether the elements of the offenses require proof of different  
25 elements. Id. at 829. Here any subsequent prosecution under the  
26 same statutes would be barred because the elements of the offense, as  
27 opposed to the theory of prosecution, would be the same under the  
28 same statute. In this case, the information sought by defendant ---  
the words he used in offering a reward to the killers of his rival or  
in giving directions to others --- are not elements of the offense.  
If defendant is acquitted, the government could not recharge him with  
the same offenses by offering evidence that defendant used different  
language in offering a reward or giving directions because the  
elements of the offense would still be the same.

1 T.B."

2 2. "The nature of the item of pecuniary value (the monetary  
3 reward or music opportunity) that Mr. Banks is alleged to  
4 have offered and/or delivered in exchange for the murder."

5 3. "The date/time, audience, and circumstances of the alleged  
6 bounty offer."

7 4. "The language used, date/time, audience, and circumstances  
8 related to the 'at the direction of' allegations in the  
9 Indictment."

10 (Mot. at 2.) Defendants are not entitled to know how the government  
11 will prove its case at trial, but in any event defendants have  
12 already received substantial --- and organized --- discovery  
13 underlying each of the four requests above. The Court should  
14 therefore deny their request for a bill of particulars.

15 1. Defendants' Requests Are Improper And, in Any Event,  
16 Underlying Facts Have Already Been Produced in  
Discovery

17 Rule 7(f) of the Federal Rules of Criminal Procedure permits a  
18 defendant to "move for a bill of particulars before or within 14 days  
19 after arraignment or at a later time if the court permits." Granting  
20 or denying a motion for a bill of particulars is within the sound  
21 discretion of the court. United States v. Ayers, 924 F.2d 1468, 1483  
22 (9th Cir. 1991) (citations omitted). The purpose of a bill of  
23 particulars is to allow a defendant to obtain sufficient information  
24 about the charges to (1) prepare a defense, (2) avoid prejudicial  
25 surprise at trial, and (3) plead his acquittal or conviction as a bar  
26 to another prosecution for the same offense when the indictment is  
27 too vague and indefinite to protect him. Id.

1       A bill of particulars is not appropriate where, as here, the  
2 indictment sufficiently informs defendant of the charges against him  
3 or her. See United States v. Giese, 597 F.2d 1170, 1180 (9th Cir.  
4 1979). “[T]here is no requirement in conspiracy cases that the  
5 government disclose even all the overt acts in furtherance of the  
6 conspiracy.” Id. The Court should also consider “all other  
7 disclosures made by the government” in evaluating whether a bill of  
8 particulars is appropriate. United States v. Long, 706 F.2d 1044,  
9 1054 (9th Cir. 1983). However, a bill of particulars cannot be used  
10 to obtain more information than required by discovery rules. See  
11 Giese, 597 F.2d at 1180.

12       Although defendants have a right to know the offense they are  
13 charged with, they do not have a right to “the details as to how” it  
14 will be proved. United States v. Feola, 651 F. Supp. 1068, 1132  
15 (S.D.N.Y. 1987); see also United States v. Ryland, 806 F.2d 941, 942  
16 (9th Cir. 1986) (“A defendant is not entitled to know all the  
17 evidence the government intends to produce but only the theory of the  
18 government’s case.”) (emphasis in original); United States v.  
19 Ojeikere, 299 F. Supp. 2d 254, 261 (S.D.N.Y. 2004) (government “may  
20 not be compelled to provide a bill of particulars disclosing the  
21 manner in which it will attempt to prove the charges, the precise  
22 manner in which the defendant committed the crimes charged, or a  
23 preview of the government’s evidence or legal theories.”)

24       2. Defendants’ Request for a Bill of Particulars is  
25       Improper

26       As a threshold matter, defendants’ request is essentially a  
27 fishing expedition seeking a list of witnesses and a summary of the  
28 government’s expected trial evidence. However, how the government

1 will prove the murder-for-hire charges in this case is beyond the  
2 scope of a bill of particulars. See, e.g., Giese, 597 F.2d at 1180-  
3 81 (details of "when, where [or] how" for conspiracy is not proper  
4 subject of bill of particulars); United States v. Brodie, 326 F.  
5 Supp. 2d 83, 91 (D.D.C. 2004) ("A bill of particulars is not a  
6 discovery tool or a device for allowing the defense to preview the  
7 government's evidence.").<sup>5</sup> Particularly given the detailed  
8 allegations outlined in the SSI, defendant's request for a bill of  
9 particulars is improper. See, e.g., United States v. Robertson, 15  
10 F.3d 862, 873-74 (9th Cir. 1994), rev'd on other grounds, 514 U.S.  
11 669 (1995) (bill of particulars unwarranted when indictment  
12 "contained the names of alleged coconspirators, the approximate dates  
13 on which the alleged illegal conduct occurred, and the overt acts  
14 that comprised the illegal activity").

15 Moreover, while the language of the SSI itself more than  
16 satisfies the government's obligation (see Section II.A), the  
17 voluminous discovery provided by the government to defendants  
18 eliminates all doubt that the defendants are able to understand the  
19 theory of the government's case. Giese, 597 F.2d at 1180 ("[f]ull  
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21 <sup>5</sup> Several cases cited by defendant confirm the impropriety of  
22 his claims. See e.g., United States v. Manetti, 323 F. Supp. 683,  
23 696 (D. Del. 1971) (a defendant "is entitled to be told the time and  
24 place of transactions giving rise to the charge, but is not entitled  
25 to compel the government to describe in detail the manner in which  
the crime was committed, thereby forcing the government to fix  
irrevocably the perimeters of its case in advance of trial"); United  
States v. Rogers, 617 F. Supp. 1024, 1027 (D.C. Colo. 1985) ("It is  
well-settled that '[a] bill of particulars may not be used to compel  
the Government to disclose evidentiary details or to explain the  
legal theories upon which it intends to rely at trial.'"); and United  
States v. Thevis, 474 F. Supp. 117 123 (N.D. Ga. 1979) (a bill of  
particulars "is not a discovery motion").

1 discovery . . . obviates the need for a bill of particulars"); see  
2 also Ayers, 924 F.2d at 1484 (upholding the denial of the motion for  
3 a bill of particulars because of the information alleged in the  
4 indictment combined with the "significant amount of discovery").  
5 Here, the government has provided discovery supporting each of the  
6 four requests. Cooper v. United States, 282 F.2d 527, 532 (9th Cir.  
7 1960) (defendants not entitled to force the government to show in  
8 advance of trial that it can prove the theory). Indeed, the  
9 government has produced Jencks materials from multiple witnesses  
10 cooperating with the government that provide the factual basis for  
11 each of defendant's requests. An assertion to the contrary is  
12 categorically false.

13 Defendant's additional citations in support of his request for a  
14 bill of particulars all miss the mark. Defendant cites to United  
15 States v. Honneus, 509 F.2d 566 (1st Cir. 1974), as "allowing  
16 particulars on where the alleged offense took place." (Mot. at 15.)  
17 What defendant fails to acknowledge is that the indictment in Honneus  
18 did not allege where the offense took place, and defendant challenged  
19 the indictment as defective on venue on jurisdictional grounds. Id.  
20 at 570. The evidentiary details defendant seeks do not rise to a  
21 defect such as lack of venue.

22 Second, defendant's citation to United States v. Manetti, 323 F.  
23 Supp. 683 (D. Del. 1971) is also distinguishable. Defendant cites  
24 the case for the proposition that a bill of particulars is  
25 appropriate for all "'central facts' such as the names of the  
26 participants in conversations and time and place of all transactions  
27 central to the charge." (Mot. at 15.) But the information defendant  
28 requests --- the specific language defendant used in ordering a

1 bounty and directing his co-conspirators --- are not "operative" or  
2 "central" facts in this case. They instead call for "disclosure  
3 comparable to civil discovery." Manetti, 323 F. Supp. at 696.  
4 Defendant's requests are the kind of "precise statement" of evidence  
5 that the court in Manetti rejected as it would require the government  
6 to "spell out its whole case." Id. at 697.

7 Finally, defendant's reliance on United States v. Trumpower, 546  
8 F. Supp. 849 (E.D. Cal. 2008), is similarly misplaced. (Mot. at 15.)  
9 In that case the defendant was charged with money laundering based on  
10 uncharged mail and wire fraud scheme. Id. at 851. But there was "no  
11 pleading of the factual circumstances of the specific mail or wire  
12 fraud that produced [the] funds" that were laundered. Id. The court  
13 concluded that adequate notice was not provided by a "generic"  
14 reference to mail and wire fraud. Id. at 852. There is no corollary  
15 in this case to the failure to give adequate notice of the specified  
16 unlawful activity needed to prove a money laundering charge. The  
17 information defendant seeks is merely the details of acts in  
18 furtherance of the conspiracy. Defendant has been given notice that  
19 following the murder of Bennett in Atlanta he offered a bounty for  
20 the murder of T.B., and the persons who heard this are identified in  
21 the SSI, with additional details provided discovery.<sup>6</sup>

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23         <sup>6</sup> Defendant's citation to United States v. Davis, 330 F. Supp.  
24 899 (N.D. Ga. 1971), is not on point. In that case, the defendant  
25 was charged with "several acts [relating to marijuana distribution]  
26 but only one 'on or about' date" was stated in the indictment, which  
27 charged the acts occurred "in the Northern District of Georgia." Id.  
28 at 903. That is not the case here. The SSI states dates and  
locations of the acts alleged. The only instance where an exact date  
and location is not provided relates of defendant's offer of a bounty  
for the murder of T.B. That information, however, is contained in  
the discovery that has been produced. Likewise, defendant's citation  
(footnote cont'd on next page)

1       In sum, the evidentiary details sought by defendants are not the  
2 type of evidence subject to a bill of particulars as they go to the  
3 government's proof at trial, not any facts needed to fill an omission  
4 in the SSI. The Motion should be denied.

5 **IV. CONCLUSION**

6       For the foregoing reasons, defendants' motion to dismiss the SSI  
7 or for a bill of particulars should be denied.

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United States v. Barket, 380 F. Supp. 1018 (W.D. Mo. 1974), is  
25 inapposite because it does not provide any details regarding the two  
26 indictments the defendant faced, other than to note there were  
27 inconsistencies between the two that required a bill of particulars  
to "fully and fairly advise" the defendant of the nature of the  
charges he faced. Id. at 1022-23. There are not two inconsistent  
indictments in this case.